

shall notify an applicant in writing of the right to receive a copy of an appraisal report. The notice may be given at any time during the application process but no later than when the creditor provides notice of action taken under § 202.9 of this part. The notice shall specify that the applicant's request must be in writing, give the creditor's mailing address, and state the time for making the request as provided in paragraph (a)(2)(ii) of this section.

(ii) *Delivery.* A creditor shall mail or deliver a copy of the appraisal report promptly (generally within 30 days) after the creditor receives an applicant's request, receives the report, or receives reimbursement from the applicant for the report, whichever is last to occur. A creditor need not provide a copy when the applicant's request is received more than 90 days after the creditor has provided notice of action taken on the application under § 202.9 of this part or 90 days after the application is withdrawn.

(b) *Credit unions.* A creditor that is subject to the regulations of the National Credit Union Administration on making copies of appraisals available is not subject to this section.

(c) *Definitions.* For purposes of paragraph (a) of this section, the term *dwelling* means a residential structure that contains one to four units whether or not that structure is attached to real property. The term includes, but is not limited to, an individual condominium or cooperative unit, and a mobile or other manufactured home. The term *appraisal report* means the document(s) relied upon by a creditor in evaluating the value of the dwelling.

4. Section 202.14 is amended by revising paragraph (b)(3) and by adding paragraphs (b)(4) and (b)(5) to read as follows:

§ 202.14 Enforcement, penalties and liabilities.

(b) *Penalties and liabilities.*

(3) If an agency responsible for administrative enforcement is unable to obtain compliance with the act or this part, it may refer the matter to the Attorney General of the United States. In addition, if the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, or the National Credit Union Administration has reason to believe that one or more creditors engaged in a pattern or practice of discouraging or denying applications in violation of the act or this part, the agency shall refer the matter to the Attorney General.

Furthermore, the agency may refer a matter to the Attorney General if the agency has reason to believe that one or more creditors violated section 701(a) of the act.

(4) On referral, or whenever the Attorney General has reason to believe that one or more creditors engaged in a pattern or practice in violation of the act or this regulation, the Attorney General may bring a civil action for such relief as may be appropriate, including actual and punitive damages and injunctive relief.

(5) If the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, or the National Credit Union Administration has reason to believe (as a result of a consumer complaint, conducting a consumer compliance examination, or otherwise) that a violation of the act or this part has occurred which is also a violation of the Fair Housing Act, and the matter is not referred to the Attorney General, the agency shall notify:

(i) The Secretary of Housing and Urban Development; and

(ii) The applicant that the Secretary of Housing and Urban Development has been notified and that remedies for the violation may be available under the Fair Housing Act.

* * *

5. Appendix C to Part 202 is amended in the first paragraph of the introduction by revising the first sentence and adding a sentence at the end; in the last paragraph of the introduction by adding a sentence at the end; and by adding sample Form C-9 to read as follows:

Appendix C to Part 202—Sample Notification Forms

This appendix contains nine sample notification forms. * * * Form C-9 is designed for use in notifying an applicant of the right to receive a copy of an appraisal under § 202.5a.

* * *

* * * Proper use of Form C-9 will satisfy the requirements of § 202.5a of this part.

* * *

Form C-9—Sample Disclosure of Right to Receive a Copy of an Appraisal

You have the right to a copy of the appraisal report used in connection with your application for credit. If you wish a copy, please write to us at the mailing address we have provided. We must hear from you no later than 90 days after we notify you about the action taken on your credit application or you withdraw your application.

[In your letter, give us the following information:]

By order of the Board of Governors of the Federal Reserve System, December 9, 1993.

William W. Wiles,
Secretary of the Board.

[FR Doc. 93-30536 Filed 12-15-93; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93-NM-190-AD; Amendment 39-8770; AD 93-25-04]

Airworthiness Directives; Gulfstream Model G-1159 (G-II) Series Airplanes Equipped With Aviation Partners Winglets Manufactured in Accordance With Supplemental Type Certificate (STC) SA5964NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Gulfstream Model G-1159 (G-II) series airplanes. This action requires either removal of certain winglets or the imposition of certain limitations for continued flight operations without removal of these winglets. This amendment is prompted by the results of a static test during which one winglet failed approximately at limit load (50 percent short of ultimate load). The actions specified in this AD are intended to prevent in-flight failure of one or both winglets, which could result in a potential unsafe flutter condition and reduced controllability of the airplane.

EFFECTIVE DATE: January 3, 1994.

Comments for inclusion in the Rules Docket must be received on or before February 14, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-190-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Phil Forde, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2771; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: Recently, the FAA conducted a post-certification audit of winglets that were

manufactured by Aviation Partners in accordance with Supplemental Type Certificate (STC) SA5964NM, and installed on certain Gulfstream Model G-1159 (G-II) series airplanes. The results of this audit revealed, and the FAA concluded, that the potential may exist for these winglets to be deficient in meeting the strength requirements of the Federal Aviation Regulations (FAR). In the subsequent static testing conducted by Aviation Partners, a winglet manufactured in accordance with STC SA5964NM failed approximately at limit load, which is 50 percent short of ultimate load. This condition, if not corrected, could result in the failure of a winglet or winglets during flight.

The winglets are "hard" attached, or permanently fastened, and are integrated into the construction of the wing. Therefore, if failure of one or both winglets were to occur during flight, portions of the winglet may remain on the wing, act as a flutter vane, and induce a potentially unsafe flutter condition. This situation could lead to reduced controllability of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop on other Gulfstream Model G-1159 (G-II) series airplanes of the same type design, this AD is being issued to prevent in-flight failure of winglets that were manufactured by Aviation Partners in accordance with STC SA5964NM and installed on these airplanes. This AD requires that affected operators accomplish one of two specific actions:

1. The removal of these particular winglets and restoration of the airplane to its original type design, followed by removal of the Airplane Flight Manual (AFM) limitation previously imposed by STC SA5964NM; or

2. Revision of the Limitations Section of the FAA-approved AFM to impose gross operating weight restrictions and/or operating speed restrictions for continued flight operations (without removal of these winglets).

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by

submitting such written data, views, or arguments as they may desire.

Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption ADDRESSES. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-NM-190-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-25-04 Gulfstream: Amendment 39-8770. Docket 93-NM-190-AD.

Applicability: Model G-1159 (G-II) series airplanes equipped with Aviation Partners winglets manufactured in accordance with Supplemental Type Certificate (STC) SA5964NM, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent in-flight failure of one or both winglets, and a resultant unsafe flutter condition of the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD, accomplish the requirements of either paragraph (a)(1) or (a)(2) of this AD.

(1) Remove the Aviation Partners winglets manufactured in accordance with STC SA5964NM and, prior to further flight, restore the airplane to its original type design. The FAA-approved Airplane Flight Manual (AFM) limitation, previously imposed by STC SA5964NM, may be removed following removal of these winglets. Or

(2) Revise the Limitations Section of the FAA-approved AFM to restrict the gross operating weight and/or operating speed in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the

requirements of this AD can be accomplished.

(d) This amendment becomes effective on January 3, 1994.

Issued in Renton, Washington, on December 10, 1993.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-30651 Filed 12-15-93; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 943

[Docket No. 80851-1105]

RIN 0648-AB49

Flower Garden Banks National Marine Sanctuary Regulations

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce (DOC).

ACTION: Notice of effective date.

SUMMARY: On November 20, 1991, the Under Secretary of Commerce for Oceans and Atmosphere transmitted the notice of designation for the Flower Garden Banks National Marine Sanctuary to Congress. The Sanctuary is two separate areas of ocean waters over and surrounding the East and West Flower Garden Banks, and the submerged lands thereunder including the Banks, in the northwestern Gulf of Mexico. The area designated at the East Bank is located approximately 120 nautical miles south-southwest of Cameron, Louisiana, and encompasses 19.20 square nautical miles. The area designated at the West Bank is located approximately 110 nautical miles southeast of Galveston, Texas, and encompasses 22.50 square nautical miles. The notice of designation and implementing rules were published on December 5, 1991 (56 FR 63634). They could not take effect until Congress had 45 days of continuous session to review the terms of designation, or until legislation providing for designation was signed into law.

On March 9, 1992, the President signed into law Public Law 102-251, which, among other matters, provides that the designation of the Flower Garden Banks National Marine Sanctuary took effect on January 17, 1992. Because Public Law 102-251 does not specifically provide an effective date

for the Sanctuary regulations, this document establishes the effective date of the regulations.

EFFECTIVE DATE: The final regulations in 15 CFR part 943 published on December 5, 1991 (56 FR 63634) shall take effect on January 18, 1994.

FOR FURTHER INFORMATION CONTACT: Edward Lindelof, Gulf and Caribbean Regional Manager, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC-4, Silver Spring, MD 20910 (301/713-3137).

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Dated: December 9, 1993.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93-30599 Filed 12-15-93; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Roxarsone Tablets and Liquid

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect codification of two previously approved new animal drug applications (NADA's) held by I. D. Russell Co., Laboratories. The NADA's provide for the use of roxarsone tablets and liquid in the drinking water of growing chickens and turkeys for improved rate of weight gain, improved feed efficiency, and improved pigmentation.

EFFECTIVE DATE: December 16, 1993.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1623. **SUPPLEMENTARY INFORMATION:** The I. D. Russell Co., Laboratories, 1301 Iowa Ave., Longmont, CO 80501, is sponsor of approved NADA's 6-019 and 6-081 for roxarsone tablets and liquid, respectively. The tablets and liquid are used to prepare medicated drinking water containing roxarsone at a concentration of 72 milligrams per gallon. Consumption of the medicated

drinking water by chickens and turkeys throughout their growing period results in improved rate of weight gain, improved feed efficiency, and improved pigmentation. NADA 6-019 (tablets) was originally approved on August 30, 1946, and NADA 6-081 (liquid) was originally approved on November 14, 1946. FDA is amending the regulations in § 520.2088 (21 CFR 520.2088) by adding new paragraph (c) and by adding new § 520.2089 to reflect these NADA's.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information (FOI) provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(i) (21 CFR 514.11(e)(2)(i)) for NADA's approved prior to July 1, 1975, FOI summaries of safety and effectiveness data and information submitted to support approval of the applications are not required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.2088 is amended by adding new paragraph (c) to read as follows:

§ 520.2088 Roxarsone tablets.

(c)(1) *Specifications.* Each tablet contains 72 milligrams of roxarsone (3-nitro-4-hydroxyphenylarsonic acid).

(2) *Sponsor.* See No. 017144 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.60 of this chapter.

(4) *Conditions of use in growing chickens and growing turkeys—(i) Amount.* 1 tablet in each gallon of drinking water (0.002 percent roxarsone).

(ii) *Indications for use.* For improved rate of weight gain, improved feed efficiency, and improved pigmentation.

(iii) *Limitations.* Administer continuously throughout growing

period. Do not administer to chickens producing eggs for human consumption. Withdraw 5 days before slaughter. Use as sole source of organic arsenic. Overdosage or the lack of water intake may result in weakness or paralysis of legs.

3. New § 520.2089 is added to read as follows:

§ 520.2089 Roxarsone liquid.

(a) *Specifications.* Each teaspoon (5 milliliters) of solution contains 72 milligrams of roxarsone (3-nitro-4-hydroxyphenylarsonic acid).

(b) *Sponsor.* See No. 017144 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.60 of this chapter.

(d) *Conditions of use in growing chickens and growing turkeys—(1) Amount.* 1 teaspoon (5 milliliters) to each gallon of drinking water (0.002 percent roxarsone).

(2) *Indications for use.* For improved rate of weight gain, improved feed efficiency, and improved pigmentation.

(3) *Limitations.* Administer continuously throughout growing period. Do not administer to chickens producing eggs for human consumption. Withdraw 5 days before slaughter. Use as sole source of organic arsenic. Overdosage or the lack of water intake may result in weakness or paralysis of legs.

Dated: December 8, 1993.

Richard H. Teske,
Acting Director, Center for Veterinary
Medicine.

[FR Doc. 93-30610 Filed 12-15-93; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 1

CGD 78-82

RIN 2115-AE67

Enforcement; Civil and Criminal Penalty Proceedings

AGENCY: Coast Guard, DOT.

ACTION: Adoption of interim rule as final.

SUMMARY: This rule adopts as final, the Coast Guard regulations contained in 33 CFR part 1, subpart 1.07—Enforcement; Civil and Criminal Penalty Proceedings which were published as an interim final rule on November 20, 1978. The Coast Guard had anticipated finalizing the interim final rule after a comment period and a six-month evaluation of

effectiveness. However, due to an administrative oversight, the rule was never finalized.

EFFECTIVE DATE: December 16, 1993.

FOR FURTHER INFORMATION CONTACT: LCDR Michael Emge, Maritime and International Law Division, Office of the Chief Counsel, at (202) 267-1527.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are LCDR Michael Emge, Project Manager, and C.G. Green, Project Counsel.

Regulatory History

On November 20, 1978, the Coast Guard published in the *Federal Register* an interim final rule entitled "Enforcement; Civil and Criminal Penalty Proceedings" (43 CFR 54186). The regulations described the Coast Guard civil penalty process and how criminal cases are referred to the U.S. Attorney for prosecution. The regulations became effective three months after publication, on February 20, 1979. The Coast Guard received fourteen comments on the interim rule.

Background and Purpose

The interim final regulations effective on February 20, 1979, have proved workable and an improvement over the previous procedures. Even though several amendments were published as final rules, none of these amendments finalized the interim final rule. The interim rule, however, remained effective and has, with its several amendments, comprised the Coast Guard's civil penalty system since 1979. The amendments are discussed below.

This rule finalizes the regulations, as amended, and closes the docket on this rulemaking. The text of the final rule as adopted herein appears in the Code of Federal Regulations for 33 CFR parts 1 to 124, July 1, 1993 edition. Since these rules have been effective since 1979, and because their adoption as a final rule does not change them, good cause exists to make the final rule effective in fewer than thirty days.

Discussion of amendments: On June 5, 1985, the Coast Guard published (50 FR 23688) a rule amending 33 CFR part 1, subpart 1.07. The rule implemented a one year test of the voluntary Marine Safety Reporting Program (MSRP) to determine the desirability and feasibility of an ongoing MSRP. The MSRP was designed to collect information from commercial vessel operators about near mishaps or difficulties encountered with the navigation and control of commercial

vessels. The rule encouraged voluntary participation in the MSRP by providing relief from possible penalty action for certain participants. The rule was effective June 1, 1985.

On May 29, 1986, the Coast Guard published a final rule (51 FR 19329) terminating the MSRP. This rule was effective June 15, 1986, permitting a two week grace period for processing incident report forms submitted late in the program.

On May 11, 1987, minor revisions were published (52 FR 17554) to reflect realignment of the Coast Guard districts and internal reorganization. In this change, the requirement for a second copy of a petition to reopen a hearing was eliminated. Also, to provide Coast Guard District Commanders with more time to comment on a respondent's appeal of a Hearing Officer decision, the time frame for accepting a District Commander's comments was lengthened from 20 to 30 days. References to gender were also removed. The rule was effective on publication in the *Federal Register*.

On September 11, 1989, the regulations were again amended (54 FR 37613) as mandated by the Anti-Drug Abuse Amendments Act of 1988 (Pub. L. 100-690). This amendment added § 1.07-100 to 33 CFR part 1, subpart 1.07 to provide for the issuance of a summons to appear in lieu of the seizure of a commercial fishing industry vessel for violations involving the possession of personal use quantities of a controlled substance. This final rule was preceded by an April 10, 1989, notice of proposed rulemaking (54 FR 14250). Public comments were considered and the final rule was effective October 11, 1989.

None of these amendments specifically addressed the comments received on the interim final rule published in 1978, and none of the amendments specifically adopted the subpart as a final rule. The public docket on this rulemaking has remained open since publication of the interim rule, despite the subsequent amendments to the procedures as discussed above.

Discussion of Comments and Changes

Since the regulations in 33 CFR part 1, subpart 1.07 are solely rules of agency procedure and practice, 5 U.S.C. 553(b)(3)(A) exempts them from the notice and comment rulemaking requirements of the Administrative Procedure Act. Although public notice and comment were not required, the Coast Guard invited public comment on the rules when they were published in 1978. In response to this request for